

Corrective Corp. of America, et al.

JURY VERDICT FORM

Negligence Claims against Irving Harold Smelson, M.D.

1. Has the plaintiff proven by a preponderance of the evidence that defendant, Dr. Irving Harold Smelson, deviated from accepted standards of medical practice?

_____ Yes

_____ **X** _____ No

If your answer is "Yes" proceed to question #2.

If your answer is "No", return your verdict on this negligence claim for defendant Dr. Smelson and proceed to question #3.

2. Has the plaintiff proven by a preponderance of the evidence that Dr. Irving Harold Smelson's deviation increased the risk of harm posed by the plaintiff's pre-existing condition?

_____ Yes

_____ No

If your answer is "Yes" proceed to question #3.

If your answer is "No", return your verdict on this negligence claim for defendant Dr. Smelson and proceed to question #3.

3. Has the plaintiff proven by a preponderance of the evidence that defendant, Dr. Irving Harold Smelson, failed to give Ms. Mudey all of the information that a reasonable person in her position would expect the doctor to disclose so that the plaintiff might make an informed decision about the course of treatment?

_____ Yes

_____ **X** _____ No

If your answer is "Yes" proceed to question #4.

If your answer is "No", return your verdict on the informed consent claim for defendant Dr. Smelson and proceed to question #7.

4. Has the plaintiff proven by a preponderance of the evidence that the undisclosed risks of treatment with Risperdal occurred?

_____ Yes

_____ No

If your answer is "Yes" proceed to question #5.

If your answer is "No", return your verdict on the informed consent claim for defendant Dr. Smelson and proceed to question #7.

5. Has the plaintiff proven by a preponderance of the evidence that a reasonable person under the circumstances of this case would have chosen not to be treated with Risperdal had they been so informed?

_____ Yes

_____ No

If your answer is "Yes" proceed to question #6.

If your answer is "No", return your verdict on the informed consent claim for defendant Dr. Smelson and proceed to question #7.

6. Has the plaintiff proven by a preponderance of the evidence that the failure to disclose the risks of treatment with Risperdal increased the risk of harm posed by the plaintiff's pre-existing condition?

_____ Yes

_____ No

If your answer is "Yes" proceed to question #7.

If your answer is "No", return your verdict on the informed consent claim for defendant Dr. Smelson and proceed to question #7.

Medical Malpractice Claim against the United States (USA)

7. Has the plaintiff proven by a preponderance of the evidence that defendant USA (EDC Medical Staff) deviated from accepted standards of medical practice?

_____ Yes

~~_____~~ No

If your answer is "Yes" proceed to question #8.

If your answer is "No", return your verdict on this negligence claim for defendant United States and proceed to question #9.

8. Has the plaintiff proven by a preponderance of the evidence that the defendant, USA's (EDC Medical Staff's) deviation increased the risk of harm posed by the plaintiff's pre-existing condition?

_____ Yes

_____ No

If your answer is "Yes" proceed to question #9.

If your answer is "No", return your verdict on this negligence claim for defendant United States and proceed to question #9.

Negligence Claim against Corrections Corporation of America

9. Has the plaintiff proven by a preponderance of the evidence that defendant Corrections Corporation of America breached its duty of care to provide plaintiff Amina Bookey Mudey with reasonable access to medical care?

_____ Yes

X _____ No

If your answer is "Yes" proceed to question #10.

If your answer is "No", return your verdict on this negligence claim for defendant Corrections Corporation of America and proceed to question #11.

10. Has the plaintiff proven by a preponderance of the evidence that defendant, Corrections Corporation of America's negligence increased the risk of harm posed by the plaintiff's pre-existing condition?

_____ Yes

_____ No

If your answer is "Yes" proceed to question #11.

If your answer is "No", return your verdict on this negligence claim for defendant Corrections Corporation of America and proceed to question #11.

ANSWER THIS QUESTION ONLY IF YOU HAVE ANSWERED "YES" TO QUESTIONS 2, 6, 8 OR 10. OTHERWISE, STOP AND HAVE THE FOREPERSON SIGN AND DATE THE LAST PAGE OF THIS FORM.

11. Have the defendants proven, by a preponderance of the evidence, that some portion of the plaintiff's ultimate injury would have occurred, even in the absence of negligence?

_____ Yes

_____ No

Please proceed to Question 12.

12. State whether the increased risk was a substantial factor in causing the plaintiff's damages by stating, in percentages, what portion of the ultimate injury is a result of:

A. Plaintiff's pre-existing condition	_____ %
B. Dr. Smelson's negligence	_____ %
C. USA's (EDC Medical Staff's) negligence	_____ %
D. CCA's negligence	_____ %

Total 100%

(If you have returned your verdict in favor of any defendant, you should assign 0% to that/those defendant(s). The total must equal 100%. If 100% of the damages are determined to be due to the pre-existing condition, then return your verdict for the defendants. If any percentage of the damages are the result of the defendant(s) fault, then proceed to Question 13. Otherwise stop and have the foreperson sign and date the last page of this form.)

Compensatory Damages

13. What amount of money would fairly and reasonably compensate the plaintiff for her injuries?

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Dated: May 25, 2012

Matthew Takey
Foreperson